

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

2063
NO. 5:07-HC-~~2197~~-BO


UNITED STATES OF AMERICA,)
 Petitioner,)
)
 v.)
)
KEVIN MCGREEVY,)
 Respondent.)

ORDER

This matter is before the court on respondent's September 11, 2007, motion to dismiss the petition against him. (D.E. #10) The motion was filed prior to the Supreme Court's opinion in United States v. Comstock, ____ U.S. ____, 130 S. Ct. 1949 (2010), and on June 22, 2010, respondent filed a second motion to dismiss, limited to the issues of whether 18 U.S.C. § 4248 "or its application denies equal protection of the laws, procedural or substantive due process, or any other rights guaranteed by the Constitution[.]" Comstock, 130 S. Ct. at 1965. (6/22/10 Mot. Dismiss at 2)

The September 11, 2007, motion to dismiss is DENIED AS MOOT.

SO ORDERED, this 16 day of August 2010.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE